ORDINANCE 1496

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING PORTIONS OF CHAPTERS 15.02, 15.04, 15.06, 15.10, 15.16, 15.18, 15.20, AND 15.26, ALL WITHIN TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE NORTH BEND MUNICIPAL CODE RELATING TO THE 2012 INTERNATIONAL CONSTRUCTION CODE FOR THE CITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State of Washington establishes the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, the State Building Code Council in July 2013, by resolution, formally adopted the 2012 edition of the International Codes as the Washington State codes; and

WHEREAS, the State Building Code Council established an effective date for the 2012 International Codes of July 1, 2013; and

WHEREAS, the City Council of the City of North Bend has previously adopted numerous building and inspection codes by reference to protect the health, safety and welfare of the citizens as set forth in NBMC Title 15; and

WHEREAS, the City Council wishes to amend and add portions of NBMC Title 15 in order to be consistent with the State Building Codes and to clarify the Administrative Rules for the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC15.02.030, Provisions Which Apply, is hereby amended to be read as follows:

> **15.02.030 Provisions Which Apply.** The following provisions of the CAC, as adopted by the State of Washington and the City, shall apply to the administration of the technical codes:
>
> A) 2012 International Building Code – WAC 51-50
> B) 20012 International Residential Code – WAC 51-51
> C) 20012 International Mechanical Code – WAC 51-52
> D) National Fuel Gas Code (NFPA 54) – WAC 51-52
> E) Liquefied Petroleum Gas Code (NFPA 58) –WAC 51-52
> F) 2012 International Fuel Gas Code - WAC 51-52

G) 2012 International Fire Code – WAC 51-54
H) 2012 Uniform Plumbing Code – WAC 51 –56 and WAC 51-57
I) 2012 International Property Maintenance Code
J) 2012 International Green Construction Code

Section 2. NBMC 15.02.050, Definitions, is hereby amended to be read as follows:

15.02.050 Definitions. For purposes of the CAC, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged latest edition, provides ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

1. "Action" means a specific response complying fully with a specific request by the jurisdiction.
2. "Addition" means an extension or increase in floor area or height of a building or structure.
3. "Alter" or "alteration" means a change or modification of a building, structure or building service equipment.
4. "Approved" as to materials, types of construction, equipment and systems, means and refers to approval by the building official as the result of investigation and tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.
5. "Approved agency" means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building official.
6. "Building" means a structure used or intended for supporting or sheltering a use or occupancy.
7. "Existing building" means a building erected prior to the adoption of Ordinance 1214, or one for which a legal building permit has been issued and approved.
8. "Building official" means the officer or other designated authority charged with the administration and enforcement of the CAC, or regularly authorized deputy thereof.
9. "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
10. "Complete response" means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed as determined by the building official.

11. "Dangerous Building Code" shall mean the 2012 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
12. "Energy code" means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the jurisdiction.
13. "Housing code" means the 2012 International Property Maintenance Code promulgated by the International Code Council as adopted by the jurisdiction.
14. "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by this jurisdiction.
15. "IFC" means the latest edition of the International Fire Code promulgated by the International Code Council as adopted by this jurisdiction.
16. "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by this jurisdiction.
17. "IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by this jurisdiction.
18. "Listed" and "listing" are terms referring to equipment or materials included in a list by an approved testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of current production of listed equipment or materials. The published list shall state that the material or equipment complies with approved nationally recognized codes, standards, or tests and has been tested or evaluated and found suitable for use in a specified manner.
19. "LPG" means Liquefied Petroleum Gas.
20. "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.
21. "NFPA" means the National Fire Protection Association.
22. "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.
23. "Owner" means any person, agent, firm, or corporation having legal or equitable interest in the property.
24. "Permit" means an official document or certificate issued by the building official authorizing performance or specified activity.
25. "Person" means a natural person, heirs, executors, administrators or assigns and includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
26. "Power Tap" A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has over current protection.
27. "Repair" means the reconstruction or renewal of any part of an existing building, structure, or building service equipment for the purpose of its maintenance.

28. "Registered Plan Program" means a program to allow one set of approved plans to be used for construction of multiple identical buildings in order to reduce plan review time.
29. "SBCC" means the Washington State Building Code Council as appointed by the governor of the State of Washington.
30. "Shall" as used in this chapter, is mandatory.
31. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
32. "Structural observation" means the visual observation of the structural system, for general conformance to the approved plans and specifications, at significant construction stages and at completion of the structural system. Structural observation does not include or waive the responsibility for the inspections required by the building code or residential code or other sections of the CAC.
33. "Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.
34. "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Code Council as adopted by this jurisdiction.
35. "Valuation" or "value" as applied to a building or building service equipment, means and shall be the estimated cost to build or replace a building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.
36. "VIAQ" means the Washington State Ventilation and Indoor Air Quality Code promulgated by the Washington State Building Code Council, as adopted by the jurisdiction.

Section 3. NBMC 15.02.140, Plumbing, is hereby amended to be read as follows:

15.02.140 Plumbing. The provisions of the 2012 Uniform Plumbing Code are hereby adopted and shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 4. NBMC 15.02.180, International Property Maintenance Code, is hereby amended to be read as follows:

15.02.180 International Property Maintenance Code. The provisions of the 2012 International Property Maintenance Code are hereby adopted and shall apply to the maintenance of buildings and private property.

Section 5. NBMC 15.04.010, International Building Code adopted, is hereby amended to be read as follows:

15.04.010 International Building Code adopted. The 2012 edition of the International Building Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, excluding chapter 1 "Administration," is hereby adopted.

Section 6. NBMC 15.06.010, International Residential Code adopted, is hereby amended to be read as follows:

15.06.010 International Residential Code adopted. The 2012 edition of the International Residential Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding chapter 1 "Administration", chapter 11 "Energy Efficiency" and chapters 25 through 42 "Mechanical, Fuel Gas and Plumbing" is hereby adopted.

Section 7. NBMC 15.10.010, International Mechanical Code adopted, is hereby amended to be read as follows:

15.10.010 International Mechanical Code adopted. The 2012 edition of the International Mechanical Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-42 WAC, as published by the International Code Council, excluding chapter 1 "Administration." is hereby adopted.

Section 8. NBMC 15.16.010, International Fuel Gas Code adopted, is hereby amended to be read as follows:

15.16.010 International Fuel Gas Code adopted. The 2012 edition of the International Fuel Gas Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding chapter 1 "Administration" is hereby adopted.

Section 9. NBMC 15.18, International Fire Code, is hereby amended to be read as follows:

Chapter 15.18
INTERNATIONAL FIRE CODE[1]

Sections:

15.18.090 Vehicles.
15.18.100 Fire hydrants and mains required.
15.18.110 *Repealed.*
15.18.120 *Repealed.*
15.18.130 Fire protection system out of service.
15.18.140 Sprinkler systems required.
15.18.145 False alarms – Penalties.
15.18.150 Alarms.
15.18.160 Floor control valves.
15.18.170 Dry standpipes.
15.18.180 Portable fire extinguishers required.
15.18.190 Monitoring.
15.18.195 Administrative fees on certain permits.
15.18.200 IFC referenced codes and standards.
15.18.210 Overcrowding
15.18.220 Sky Lanterns
15.18.230 Emergency Responder Radio Coverage

Section 10. NBMC 15.18.010, International Fire Code adopted, is hereby amended to be read as follows:

15.18.010 International Fire Code adopted. The 2012 Edition of the International Fire Code (IFC), as adopted and hereafter amended by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council, is hereby adopted, except as amended by this chapter.

Section 11. NBMC 15.18.100, Fire hydrants and mains required, is hereby amended to be read as follows:

15.18.100 Fire hydrants and mains required.
IFC Subsection 507.5.1 is amended as follows:

Where a portion of the facility or building hereafter constructed or moved into or within this jurisdiction is more than 150 feet (45.7 m) from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

Section 12. NBMC 15.18.195, Administrative fees on certain permits, is hereby amended to be read as follows:

15.18.195 Administrative fees on certain permits.

A. An administrative fee of $50.00 shall be due to the city of North Bend upon the filing of an application for an operational permit under Section 105.6 of the IFC or a construction permit under Section 105.7 of the IFC. This fee is in addition to any fees that may be due the issuing fire authority pursuant to this chapter (see Eastside Fire & Rescue fee structure).

B. The city clerk is authorized to reference any administrative fee so established by ordinance in any future tax, rate and fee schedule ordinance or resolution of the city.

Section 13. NBMC 15.18.210, Overcrowding, is hereby added to be read as follows:

IFC 107.5, Overcrowding, is hereby amended to be read as follows

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to direct actions be taken to reduce the overcrowding or to cause the event to be stopped until such condition or obstruction is corrected.

Section 14. NBMC 15.18.220, Sky Lanterns, is hereby added to be read as follows:

IFC 307.6, Sky Lanterns, is hereby added to be read as follows:

307.6 Sky Lanterns. Sky Lanterns are airborne paper lanterns similar to a mini hot air balloon, also known as Kongming Lanterns (wish lanterns), which are also referred to as Chinese lanterns, sky candles or fire balloons. As such Sky Lanterns are considered open burning, and are not controlled once they are airborne. The use of Sky Lanterns is prohibited.

Section 15. NBMC 15.18.230, Emergency Responder Radio Coverage, is hereby added to be read as follows:

IFC Section 510.1 of The International Fire Code is amended to be read as follows:

510.1 Emergency responder radio coverage. All new buildings shall have approved radio coverage for emergency responders within the building installed in accordance with Section 510 of this code and with applicable provisions of NFPA 72, National Fire Alarm Signaling Code. This section shall not require improvement of the existing public safety communication system.

Exceptions:

1. Buildings and area of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1.
2. Buildings constructed primarily of wood frame that do not have storage or parking areas extending more than one level below grade.
3. Buildings thirty-five (35) feet high (As defined by International Building Code Section 502) or less that do not have below grade storage or parking areas extending more than one level below grade.

   Should construction that is thirty-five (35) feet high or less include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.
4. One and two family dwellings and townhouses.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with *approved* radio coverage for emergency responders as required in Chapter 11.

510.3.1 Construction Permit required. A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.5. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

510.3.2 Operational permit. An operational permit is required to operate an in building radio system in accordance with BMC 23.11.105.6.47.

510.4 Technical requirements. Systems, components, and equipment required to provide emergency responder radio coverage system shall comply with Sections 511.4.1 through 511.4.2.5

510.4.1 Radio signal strength. The building shall be considered to have acceptable emergency responder radio coverage when signal strength measurements in 95% of all areas of the building and 99% in elevators (measured at the primary recall floor), stair shafts and Fire Command Centers meet the signal strength requirements in Sections 510.4.1.1 and 510.4.1.2

510.4.1.1 Minimum signal strength into the building. A minimum signal strength of -95 dBm shall be receivable within the building.

510.4.1.2. Minimum signal strength out of the building. A minimum signal strength of -95 dBm shall be received by the agency's radio system when transmitted from within the building.

510.4.2 System Design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.5

510.4.2.1 Amplification systems allowed. Buildings and structures which cannot support the required level of radio coverage shall be equipped with:

1. A radiating cable system and/or
2. An internal multiple antenna system with FCC certificated bi-directional 800 MHz amplifiers or
3. Systems otherwise approved by the city radio system manager in order to achieve the required adequate radio coverage.

510.4.2.2 Technical criteria. The fire code official shall maintain a document providing the specific technical information and requirements for the emergency responder radio coverage system. This documental shall contain, but not be limited to, the various frequencies required, the location of radio sites, effective radiated power of radio sites, and other supporting technical information.

510.4.2.2.1 Frequency range. The frequency range which must be supported shall be 806 MHz to 824 MHz and 851 MHz to 869 MHz and such other frequencies as determined by the Regional Radio System operator in all areas of the building.

510.4.2.3 Power supply. Power supplies shall conform with NFPA 72, Section 10.5 (Power Supplies).

510.4.2.3.1 Secondary Power. If any part of the installed system or systems contains an electrically powered component, the installed system or systems shall be provided with an independent battery system or an emergency generator capable of operating for a period of at least twenty four (24) hours without external power input. The battery system shall automatically charge in the presence of external power input.

510.4.2.4 Signal Booster Requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a NEMA4-type waterproof cabinet.
2. The battery system shall be contained in a NEMA4-type waterproof cabinet.
3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station or proprietary supervising station as defined in NFPA 72 or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.
4. Equipment shall have FCC certification prior to installation.
5. Signal boosters must be equipped with filters that reject adjacent frequencies in addition to the multi-band pass filters.

510.4.2.5 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency

changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.

Point of Information

System designers should be aware that re-banding (Nextel) is currently well along making available the entire 800 MHz spectrum as well as portions of the 700 MHz band for public safety and equipment must be capable of supporting these and other spectrum bands. See www.FCC.gov for additional information.

510.5 Installation requirements. The installation of the public safety radio coverage system shall be in accordance with Sections 510.5.1 through 510.5.5

510.5.1 Approval Prior to Installation. No amplification system capable of operating on frequencies used by the Regional 800 MHz Radio System shall be installed without prior coordination and approval of the radio system licensee (The Eastside Public Safety Communications Agency – www.epsca.com – (425) 556-2515) and any such system must comply with any standards adopted by the King County Regional Communications Board.

510.5.2 Minimum Qualifications of personnel.
The system designer, lead installation personnel and personnel conducting radio system tests shall be qualified to perform the work.

Design documents and all tests shall be documented and signed by a person in possession of a current FCC General Radio Telephone Operator License and a certificate or certification issued by the:

1. Associated Public Safety Communications Officials International (APCO), or
2. National Association of Business and Education Radio (NABER) or
3. Personal Communications Industry Association (PCIA), or
4. Manufacturer of the equipment being installed.

510.5.3 Acceptance Test procedure. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

Point of Information

A Certificate of Occupancy will not be issued to any structure if the building fails to comply with these provisions.

A report shall be submitted to the Bellevue Fire Department at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Bellevue Fire Department may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the original field performance test. The test procedure shall be conducted as follows:

1. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas.
2. Testing shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.
3. A maximum of two (2) nonadjacent areas will be allowed to fail the test.
4. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.
5. A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.
6. The gain values of all amplifiers shall be measured and the test measurement results shall be kept on file with the building *owner* so that the measurements can be verified during annual tests. In the event that the measurement results become lost, the building *owner* shall be required to rerun the acceptance test to reestablish the gain values.
7. As part of the installation a spectrum analyzer or other suitable test equipment shall be utilized to ensure spurious oscillations are not being generated by the subject signal booster. This test shall be conducted at time of installation and subsequent annual inspections.

Point of Information

While the foregoing implies manual measurement and recording, automated testing and recording is certainly permitted so long as a report can be produced documenting the signal strength (or average) in each test square.

510.5.4 FCC compliance. The emergency responder radio coverage system installation and components shall also comply with all applicable federal regulations including, but not limited to, FCC 47 DFR Part 90.219.

510.6 Maintenance. The emergency responder radio coverage system shall be maintained operational at all times in accordance with Sections 510.6.1 through 510.6.3

510.6.1 Testing and proof of Compliance. The emergency responder radio coverage system shall be inspected and tested annually, or whenever structural changes occur to the building that would materially change the original field performance tests by a consultant approved by the Fire Code Official. The performance test shall include at minimum a floor plan and the signal strength in various locations of the building.

Testing shall consist of the following:

1. In-building coverage test as described in Section 510.5.3.

2. Signal boosters shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.

3. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If within the 1-hour test period the battery exhibits symptoms of failure, the test shall be extended for additional 1-hour periods until the integrity of the battery can be determined.

4. All other active components shall be checked to verify operation within the manufacturer's specifications.

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.3, shall be submitted to the fire code official not later than January 30th of each year.

510.6.2 Additional frequencies and change of frequencies. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of a public safety radio coverage system on previous frequencies does not exempt this requirement.

510.6.3 Identification. Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."

510.6.4 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field-testing to be certain that the required level of radio coverage is present.

Section 16. NBMC 15.20.010, Uniform Plumbing Code adopted, is hereby amended to be read as follows:

> **15.20.010 Uniform Plumbing Code adopted.** The 2012 edition of the Uniform Plumbing Code, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 and 51-57 WAC, as published by the International Code Council, excluding chapters 1 "Administration", chapter 12 "Fuel Piping", chapter 15 "Firestop Protection" and those requirements of Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in chapter 5 and those portions of the code addressing building sewers, is hereby adopted.

Section 17. NBMC 15.26.010, International Property Maintenance Code adopted, is hereby added to be read as follows:

> **15.26.010 International Property Maintenance Code adopted.** The 2012 edition of the International Property Maintenance Code as published by the International Code Council is hereby adopted with the following modifications.

Section 18. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 19. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 6TH DAY OF AUGUST, 2013.

CITY OF NORTH BEND:

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Kenneth G. Hearing, Mayor

APPROVED AS TO FORM:

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Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

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Susie Oppedal, City Clerk

Published: August 14, 2013
Effective: August 19, 2013